

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**FEDERAL RESERVE BANK OF SAN  
FRANCISCO,**  
Plaintiff

Civil No. 23-01034 (GMM)

v.

**OTO ANALYTICS, LLC; BENWORTH  
CAPITAL PARTNERS PR, LLC;  
BENWORTH CAPITAL PARTNERS, LLC;  
BERNARDO NAVARRO and CLAUDIA  
NAVARRO,**  
Defendants

**JOINT STATUS REPORT**

Pursuant to this Court’s September 3, 2024 Order (ECF No. 161), Plaintiff Federal Reserve Bank of San Francisco (“Reserve Bank” and Defendants Benworth Capital Partners PR, LLC, Benworth Capital Partners, LLC, Bernardo Navarro, and Claudia Navarro (collectively, “Defendants”; together with Plaintiffs, the “Parties”), through their undersigned counsel, respectfully submit this Joint Status Report.

Since the Parties’ April 4, 2025 *Joint Status Report* (ECF No. 226, the “April Status Report”), the Parties continue to conduct discovery and discuss the outstanding issues discussed in the April Status Reporting and below, including most recently via video conference on April 24, 2025.

- **QuickBooks Data.** As described in its May 5, 2025 *Motion to Enforce Order at ECF No. 224* (ECF No. 238), the Reserve Bank has requested that the Court enforce its March 24, 2025 Order (ECF No. 224) because the Parties are at an impasse regarding their interpretations of that Order. Pursuant to the Court’s Order holding the Motion in abeyance (ECF No. 239), Defendants will respond by May 19, 2025.
- **Privilege Assertions.** On March 28, 2025, Defendants produced their privilege log for completed productions to the Reserve Bank. At the March 31, 2025 meet-and-confer discussion, the Parties discussed Defendants’ assertion of accountant-client privilege over

communications with certain recipients of subpoenas served by the Reserve Bank, and on April 4, 2025, Defendants provided a written privilege assertion. At the April 24, 2025 meet-and-confer discussion, the Reserve Bank provided several reasons why it believes Defendants' assertions were partially or wholly improper. Defendants disagreed with the Reserve Bank's position but agreed to confirm whether it would stand on its prior assertions.

- **Reserve Bank's Outstanding Document Requests.**
  - **Mobile Data.** The Reserve Bank has reservations regarding Defendants' production of mobile data. The Reserve Bank has repeatedly asked Defendants clarifying questions about the Navarros' representations regarding mobile data since April 8, 2025. Defendants have yet to respond to certain questions because, they assert, they remain preoccupied handling numerous other discovery matters, including complying with orders entered by this Court, responding to the Reserve Bank's substantial inquiries on other ESI sources that are more likely to contain relevant and responsive information, and responding to the Reserve Bank's most recent discovery requests served on April 28, 2025.
  - **Navarro Entity Production.** Following the Court's order granting Defendants' request for an extension of the time to comply with the order requiring (ECF Nos. 223, 230, 232), Defendants confirmed that they have produced all responsive documents by April 21, 2025, subject to additional review for quality check and privilege concerns. The Reserve Bank's review of these documents is ongoing.
  - **Reserve Bank's Search Terms.** Several of the Reserve Bank's requests call for Defendants' financial statements and related information, including requests for which the Reserve Bank provided its most recent search term counterproposal to Defendants on February 11, 2025. On March 14, 2025, Defendants provided a report of the results of a proposed sampling review based on that counterproposal and others for which the Parties have not agreed. The Parties continue to discuss these search terms, and Defendants have agreed to produce documents responsive to certain search terms, but informed the Reserve Bank at the April 24, 2025 meet-and-confer discussion that these productions would not be made until May.
- **Defendants' Outstanding Discovery Requests.** The Reserve Bank continues to search for responsive documents based on ongoing discussions with the Defendants, including Defendants' proposed search terms provided on February 11, 2025. On March 11, 2025, the Reserve Bank provided a disaggregated hit report based on the proposed search terms provided by Defendants on February 11, 2025. On April 11, 2025, the Reserve Bank provided certain term sheets in response to Defendants' requests for PPP pricing information. The parties continue to meet and confer regarding this topic, including on April 24, 2025.
- **Additional Discovery Requests.** Both parties agreed that Defendants' *Answers* filed on April 16, 2025 (ECF Nos. 234-237) opened the potential for additional discovery requests, and both parties anticipated serving additional requests. The Reserve Bank served its

*Second Set of Requests for Production* on April 28, 2025. Defendants have not yet sought any additional discovery, but anticipate doing so this week.

Dated: May 5, 2025

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**CERTIFICATE OF SERVICE**

The undersigned certifies that on May 5, 2025, the foregoing document was filed with the Clerk of the Court using CM/ECF, which sent notice to all parties receiving notifications through the CM/ECF system.

Dated: May 5, 2025

By: /s/ Ubaldo M. Fernández Barrera